



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,897	02/02/2001	James J. Fallon	8011-10	8168
7590 10/07/2004				
Frank Chau, Esq. F. CHAU & ASSOCIATES, LLP Suite 501 1900 Hempstead Turnpike East Meadow, NY 11554		EXAMINER CAO, CHUN		
		ART UNIT 2115 PAPER NUMBER		

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/775,897	FALLON, JAMES J.	
	Examiner	Art Unit	
	Chun Cao	2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-31 is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

1. Claims 1-31 are presented for examination.
2. The text of those applicable section of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 14, in lines 9-10, it is unclear what is meant by "a flag indicative of the type of the type of boot process command".

5. The rejection for claims 1-23 is respectfully maintained to the extended that is applicable to the amended claims and reproduced hereinbelow for applicant's convenience.

Claim Rejections - 35 U.S.C. § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Provino et al. (Provino), US patent no. 5,355,498.

As per claim 1, Provino teaches a method for initializing a computer system [fig. 8], comprising the steps of:

sensing a command signal to boot the computer system [col. 9, lines 43-46];
generating a first control signal to initialize a boot process [col. 9, lines 43-46];
generating a second control signal to initialize a programmable logic device prior to completion of the initialization of the boot process [col. 8, lines 24-30; col. 9, lines 50-54]; and

booting the computer system using the initialized programmable logic device to perform input/output [col. 9, lines 54-68, emphasis added, "the bootstrap program loads the boot program from ... the boot device into the memory"] or DMA (direct memory access) transfers [col. 2, lines 44-55; col. 10, lines 30-33].

As per claim 2, Provino teaches that the second control signal causes the programmable logic device to self-load logic code from a memory device [col. 6, lines 5-14; col. 8, lines 23-28].

As per claim 3, Provino teaches that the second control signal causes a logic device to load logic code into the programmable logic device [col. 6, lines 5-14; col. 8, lines 23-28].

As to claims 8-10, Provino teaches the claimed method of steps of claims 1-3. Therefore, Provino teaches the claimed machine readable medium for carrying out the method of steps.

Claim Rejections - 35 U.S.C. § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 4-7 and 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Provino et al. (Provino), US patent no. 5,355,498 in view of Applicant Admitted Prior Art (AAPA).

As to claims 4 and 11, Provino fails to teach of sensing power to ensure power stability.

AAPA teaches of sensing power to ensure power stability [page 4, lines 15-18].

It would have been obvious to one of ordinary skill in the art at time the invention to combine the teachings of Provino and AAPA because AAPA teaches of sensing power which would improve the reliability of Provino's system by ensuring power stability of the system. As per claim 5, inherently, Provino teaches of managing the boot process by a boot management circuit [30, fig. 4; col. 6, lines 4-12].

As to claims 6-7 and 12-13, AAPA teaches of generating a control signal to indicate the type of boot process command, such as a cold boot or a warm boot [figures 2a-2e; page 3, lines 5-9; page 4, lines 3-13].

As to claims 14-18, Provino and AAPA together teach the claimed method of steps of claims 1-7. Therefore, Provino and AAPA together teach the claimed circuit for carrying out the method of steps.

As to claims 19-23, Provino and AAPA together teach the claimed method of steps of claims 1-7. Therefore, Provino and AAPA together teach the claimed system for carrying out the method of steps.

Allowable Subject Matter

10. Claims 24-31 are allowable over prior art.

11. Applicant's arguments filed on 7/1/2004 have been fully considered but are not persuasive.

12. In the remarks, applicant argued in substance that **Provino** does not disclose or suggest a programmable logic device that is initialized in advance of the boot process to perform input/output or DMA transfer for the boot process.

13. The examiner respectfully submits that applicant's position is not persuasive.

Provino teaches of booting the computer system using the initialized programmable logic device to perform input/output [col. 9, lines 54-68, emphasis added, "the bootstrap program loads the boot program from ... the boot device into the memory"] or DMA (direct memory access) transfers [col. 2, lines 44-55; col. 10, lines 30-33]. Also see rejection above.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

Art Unit: 2115

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chun Cao at (703) 308-6106 (571-272-3664, effective 10/14/2004). The examiner can normally be reached on Monday-Friday from 7:30 am - 4:00 pm. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor Thomas Lee can be reached at (703) 305-9717 (571-272-3667, effective 10/14/2004). The fax number for this Art Unit is following: Official (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631 (571-272-2100, effective 10/14/2004).

Art Unit: 2115

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chun Cao

Sep. 28, 2004